



<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) <b>GTC-40</b>
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First named inventor: Li How Chen  
Application No.: 09/175,683  
Filed: October 20, 1998  
Art Unit: 1635  
Examiner: Richard A. Schnizer

Title: NOVEL MODIFIED NUCLEIC ACID SEQUENCES AND METHODS FOR  
INCREASING mRNA LEVELS & PROTEIN EXPRESSION IN CELL SYSTEMS

Attention: Office of Petition  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. Due to a clerical error in docketing, the rapid approach of the final deadline was not understood. Coupled with a failure of the third party draftsman to deliver the formalized drawings in a timely fashion, the final deadline was unintentionally missed. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.  
☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

06/27/2005 MAHNE1 00000031 502092 09175683

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

\_\_\_\_\_ has been filed previously on \_\_\_\_\_.  
\_\_\_\_\_ is enclosed herewith.

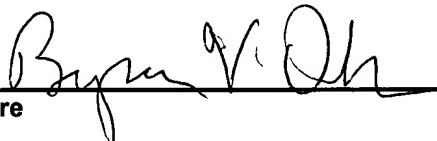
B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
\_\_\_\_\_ has been paid previously on \_\_\_\_\_.  
\_\_\_\_\_ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.  
\_\_\_\_\_ Terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

 _____ <b>Signature</b>	June 22, 2005 _____ <b>Date</b>
_____ Typed or printed name  Byron V. Olsen	_____ Registration Number, if applicable 42,960
_____ <b>Address</b> GTC Biotherapeutics, Inc. 175 Crossing Blvd., Suite 410 Framingham, MA 01702	_____ <b>Telephone Number</b> (508) 370-5150 <b>Fax Number</b> (508) 370-3797

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Enclosures:   X   Fee Payment (Authorization to Charge Deposit Account)  
  X   Other: Submission of Corrected Formal Drawings

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

  X   Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.  
       Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

June 22, 2005  
Date Signature

  
Signature

Karen L. Corey  
Typed or printed name of person signing certificate

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